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Assistant Commissioner for Patents,  
Washington, D.C. 20231 on September 5, 2002.

  
Jay M. Sanders, Patent Attorney

ELECTION UNDER  
35 USC §121  
Patent Application  
Examining Group 1653  
Docket No. MA-43CDF2D3  
Serial No. 09/837,961  
Confirmation No. 2884

3/22/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Gabriele E. Bugaisky  
Art Unit : 1653  
Applicant(s) : Jewel Payne, August J. Sick  
Serial No. : 09/837,961  
Filed : April 19, 2001  
For : Novel *Bacillus thuringiensis* Isolate Active Against Lepidopteran Pests,  
and Genes Encoding Novel Lepidopteran-Active Toxins

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Assistant Commissioner for Patents  
Washington, D.C. 20231

ELECTION UNDER 35 USC §121

Sir:

In response to the written restriction requirement dated August 5, 2002, the applicants hereby elect Group IV (claims including polynucleotides encoding SEQ ID NO:8, recombinant cells containing the polynucleotides, and a method of controlling insects using the transformed host cells). It appears that there were three typographical errors in the written restriction requirement. "SEQ ID NO:2" was repeated in each Group, while it appears that SEQ ID NOs:4, 6, and 8 were intended for Groups II, III, and IV, respectively.

Although it is believed that no fees are due in connection with this Election, the Commissioner is hereby authorized to charge any such fees to Deposit Account 19-0065.

The applicant invites the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to allowance.

Respectfully submitted,



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